

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

MICHAEL LEON¹ STOVALL)	
)	
Plaintiff,)	
)	
v.)	Case No. 5:22-cv-1110-RDP-GMB
)	
SCOTT SCHAFFER, <i>et al.</i>,)	
)	
Defendants.)	

MEMORANDUM OPINION

The Magistrate Judge entered a Report and Recommendation on May 1, 2024 recommending the dismissal of this action without prejudice under 28 U.S.C. § 1915A(b) as frivolous and for failing to state a claim upon which relief can be granted. (Doc. 36). Plaintiff Michael Leon Stovall has filed a “Motion in Rebuttal to Magistrate Report and Recommendation,” which the court construes as an objection to the Report and Recommendation. (Doc. 39).

Plaintiff objects to the Clerk of Court’s termination of defendants who were not named as defendants in his Final Amended Complaint. (Doc. 39 at 1-2). The court agrees with the Magistrate Judge that the order to amend instructed Plaintiff to name as defendants only those persons who violated his constitutional rights and identify them as defendants both in the heading and in Part I of the complaint. (Doc. 18 at 3). The order also told Plaintiff that the Final Amended Complaint cannot refer back to any previous complaints.² (Doc. 18 at 1). Because Plaintiff did not name the “original defendants” in his Final Amended Complaint, the Clerk correctly

¹ In his Final Amended Complaint, Plaintiff identifies his middle name as “Leon” but indicates that he also has been known as “Michael Levon Stovall.” (Doc. 25 at 2). The Alabama Department of Corrections has registered Plaintiff as “Michael Levon Stovall.” See <https://doc.alabama.gov/InmateHistory>.


² After filing his original complaint, Plaintiff filed Second, Third, and Fourth Amended Complaints. See Docs. 15, 16 & 17.

terminated those defendants from this action. Plaintiff's remaining objections to the Report and Recommendation are frivolous and without merit. Accordingly, Plaintiff's objections are **OVERRULED**.

After careful consideration of the record in this case, the Magistrate Judge's Report and Recommendation, and Plaintiff's objections, the court **ADOPTS** the Report and **ACCEPTS** the recommendation. Consistent with that recommendation and 28 U.S.C. § 1915A(b), this action is due to be dismissed without prejudice as frivolous and for failing to state a claim upon which relief can be granted.

A final judgment will be entered.

DONE and **ORDERED** this June 6, 2024.



R. DAVID PROCTOR
CHIEF U.S. DISTRICT JUDGE